

REMARKS

The Examiner has rejected Claim 55 under 35 USC §112. The Examiner states that the specification does not support the newly added limitation that the colored mulch changes back to its initial color, i.e., said colored mulch indicates to a user lack of moisture content by changing its color back to said initial color.

The specification on page 15 specifically states that the dye can change color or become visible in response to moisture levels added to the soil. Therefore, a user can adjust the moisture level of the soil in response to the color of the mulch. Therefore, the specification teaches that the color of the mulch can change based on the moisture content of the soil that when there is a lack of moisture, the mulch is one color, and where there is moisture, the mulch is a second color. Therefore, the matter in Claim 55 is taught in the specification of the present invention.

The Examiner has rejected Claims 26, 27, 28, 30, 38, 54 and 55 as being obvious over Holten in view Furhmann. The Examiner states that Holten is silent on whether the dye indicates to a user moisture content, acidity of the soil, or chemical content of the soil. The Examiner states that Furhmann teaches that it is general knowledge dyes are moisture indicators.

Holten specifically adds the dye for aesthetic reasons such as a green color dye to resemble grass. Holten therefore, teaches against that the dye would change color, due to any reasons including moisture or chemicals, for it then would not be aesthetically pleasing. Therefore, there is no reason to combine Holten and Furhmann since Holten does not want the dye added to change colors. Applicant

previously provided a declaration from Holten which stated that his patent did not teach nor did he invent the use of a colored mulch to serve as an indicator for environmental conditions such as watering. Further Holten previously stated that his patent does not teach the mulch being able to indicate environmental conditions and therefore there is no reason to combine with a patent that monitors pH levels. Holten further stated that his teachings go against the mulch changing colors. Further, Holten states that it would be against his teachings to have the color of the mulch fade. Therefore, there is no reason to combine Furhmann with Holten. Therefore, all the above claims should be allowable over the prior art.

The Examiner has rejected Claim 32 as being obvious over Holten in view of Furhmann and further in view of Skelty.

For the reasons stated above, Claim 32 is not obvious over the prior art.

The Examiner has rejected Claim 47 as being obvious over Thomas in view Furhmann.

Again, as stated above, there is no teaching to combine Thomas with Furhmann. There is no teaching that Thomas would want the mulch product to change colors. For all of the above reasons, Claim 47 is not obvious over the prior art.

The Examiner has rejected Claims 26, 27, 28, 30 and 38 as being anticipated by Holten.

Applicant has amended the Claims to state that dye changes color in order to indicate the moisture content of the soil. Therefore, the above claims are not anticipated or obvious over the prior art.

The Examiner has rejected Claims 26, 27, 28, 30 and 38 as being obvious over Holten in view of Lombard. The Examiner states that Holten is silent on whether the dye indicates to a user the moisture conditions, the acidity of the soil or the chemical content of the soil. The Examiner states that Lombard teaches a dye indicator pH indicating dye. The Examiner states it would be obvious to combine the teachings of the references.

Holten specifically adds the dye for aesthetic reasons such as a green color dye to resemble grass. Holten therefore, teaches against that the dye would change color, due to any reasons including moisture or chemicals, for it then would not be aesthetically pleasing. Therefore, there is no reason to combine Holten and Lombard since Holten does not want the dye added to change colors. Applicant previously provided a declaration from Holten which stated that his patent did not teach nor did he invent the use of a colored mulch to serve as an indicator for environmental conditions such as watering. Further Holten previously stated that his patent does not teach the mulch being able to indicate environmental conditions and therefore there is no reason to combine with a patent that monitors pH levels. Holten further stated that his teachings go against the mulch changing colors. Further, Holten states that it would be against his teachings to have the color of the mulch fade. Therefore, there is no reason to combine Lombard with Holten. Therefore, all the above claims should be allowable over the prior art.

The Examiner has rejected Claim 32 as being obvious over Holten in view of Lombard and Skelty.

For the reasons stated above, Claim 32 is not obvious over the prior art.

The Examiner has rejected Claims 47 and 54 as being obvious over Thomas in view of Lombard.

Again, as stated above, there is no teaching to combine Thomas with Lombard.

There is no teaching that Thomas would want the mulch product to change colors.

For all of the above reasons, Claims 47 and 54 are not obvious over the prior art.

Applicant believes that the application is in condition for allowance.

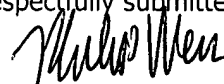
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